

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

**ANDRICKA STEWART,
Plaintiff**

v.

**WACO INDEPENDENT
SCHOOL DISTRICT,
Defendant.**

§
§
§
§
§
§

CAUSE NO. 6:10-CV-00311-WSS

Joint Motion To Dismiss

COMES NOW Andricka Stewart, Plaintiff herein, along with the Waco Independent School District, the Defendant in this case, and jointly file this *Motion to Dismiss*, and in support thereof, would respectfully show the following:

Procedural History

1. This is a civil rights case. Plaintiff claims that she was sexually assaulted on a number of occasions while at school. In *Plaintiff's First Amended Complaint*, Plaintiff alleged a claim for damages for violations of § 504 of the Rehabilitation Act of 1973 (the "Rehabilitation Act"). 29 U.S.C. 794a. Plaintiff also made a claim under 42 U.S.C. §1983, but the Court dismissed those claims. The Defendant denied, and continues to deny, all liability related to these claims.

2. After an adverse judgment, the Plaintiff appealed the Court's dismissal of her claims under §504. The 5th Circuit reversed and remanded the case. Since the issuance of the mandate, the parties have resolved the case. A settlement agreement has been signed, and consideration exchanged.

Relief Requested

3. Pursuant to Rule 41, Fed. R. Civ. P., the parties jointly move to dismiss this case, and stipulate to its dismissal. All parties to the case agree to the dismissal.
4. This is not a class action.
5. The dismissal should be with prejudice.
6. Each party agrees to bear its own costs and attorneys' fees.

WHEREFORE, PREMISES CONSIDERED, Plaintiff and Defendant request that this *Motion to Dismiss* be granted, and for such other and further relief as may be deemed appropriate by the Court.

Respectfully submitted,

_____/s/ Greg White
Greg White
State Bar No. 21329050
400 Austin Ave., Ste. 103
Waco, Texas 76701
254.307.0097
866.521.55699 (fax)
greg.white@texapplaw.com

Martin J. Cirkiel, Esq.
State Bar No. 00783829
Cirkiel & Associates, P.C.
1901 E. Palm Valley Blvd.
Round Rock, Texas 78664
(512) 244-6658 [Telephone]
(512) 244-6014 [Facsimile]
marty@cirkielaw.com

Robert Cotner, Esq.
The Zimmerman Law Firm
3501 W. Waco Drive
Waco, Texas 76710
(254) 752-9688 [Telephone]
(254) 752-9680 [Facsimile]
rcotner@thezimmermanfirm.com

ATTORNEYS FOR PLAINTIFF

_____/s/ Peter K. Rusek
Mr. Philip E. McCleery, Attorney
Mr. Peter K. Rusek, Attorney
Sheehy, Lovelace & Mayfield, P.C.
510 North Valley Mills Drive, Suite 500
Waco, Texas 76710
(254) 772-8022 [Telephone]
(254) 772-9297 [Facsimile]

ATTORNEYS FOR DEFENDANT

Certificate of Service

The undersigned hereby certifies that a true and correct copy of the foregoing has been forwarded to the following parties on this 29th day of April, 2014 by Notice of Electronic Filing from the Clerk of the Court:

Mr. Philip E. McCleery, Attorney
Mr. Peter K. Rusek, Attorney
Sheehy, Lovelace & Mayfield, P.C.
510 North Valley Mills Drive, Suite 500
Waco, Texas 76710
(254) 772-8022 [Telephone]

ATTORNEYS FOR DEFENDANT

_____/s/ Greg White
Greg White